

Exhibit 12

DORETHEA FRANKLIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through
MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY
on behalf of its members, SHAKETA REDDEN,
DORETHEA FRANKLIN, TANIQUA SIMMONS, DE'JON HALL,
JOSEPH BONDS, CHARLES PALMER, SHIRLEY SARMIENTO,
EBONY YELDON, and JANE DOE,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

-vs-

CITY OF BUFFALO, N.Y., BYRON B. BROWN,
Mayor of the City of Buffalo, in his individual and official
capacities,
BYRON C. LOCKWOOD, Commissioner of the
Buffalo Police Department, in his individual
and official capacities,
DANIEL DERENDA, former Commissioner of the
Buffalo Police Department, in his individual capacity, AARON
YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI,
ROBBIN THOMAS,
UNKNOWN SUPERVISORY PERSONNEL 1-10,
UNKNOWN OFFICERS 1-20, each officers of the
Buffalo Police Department,
in their individual capacities,

Defendants.

1 A. Yes.

2 Q. Okay. So that's a document you reviewed in the
3 one to two hour meeting you had with your
4 attorneys?

5 A. Yes.

6 Q. All right. Are there any other documents you've
7 reviewed that you now remember that you didn't
8 tell me about earlier or would it have just been
9 your deposition testimony and the complaint?

10 MS. TEFFT: I'm going to object, only insofar as
11 there's privileged information in something that
12 we reviewed, so don't talk about the contents.

13 BY MR. SAHASRABUDHE:

14 Q. Just the documents you looked at.

15 A. Oh, I don't know the name of the documents, but I
16 was -- that was it I think.

17 Q. Okay. To the best of your recollection, those
18 are the only two documents you remember?

19 A. Um-hum. Yes.

20 Q. In having reviewed paragraphs two hundred six
21 through two thirty-six, did you notice anything
22 that was inaccurate or that doesn't accurately
23 portray your experiences with vehicle and traffic

1 safety checkpoints in the City of Buffalo?

2 A. No. It described it.

3 Q. Can you tell me what your understanding of a
4 vehicle and traffic safety checkpoint is?

5 A. If you're doing a safety checkpoint, you are
6 supposed to be doing it for a couple of reasons.
7 One is alcohol, to make sure there's no drunk
8 driving. That's not what these checkpoints were.

9 Q. Well, can you describe the checkpoints that you
10 encountered when you were living at the
11 Cloverdale address?

12 A. Intrusive, racist, discriminatory, meaningless,
13 money grab.

14 Q. Okay. Well, let me ask you this. When you went
15 through a vehicle and safety checkpoint in the
16 City of Buffalo, would officers look at the
17 vehicle and registration tag on your car?

18 A. Would they look at it, yeah. I believe they did
19 one time.

20 Q. And would it be fair to say that you never once
21 received a traffic ticket after having gone
22 through a checkpoint in the City of Buffalo?

23 A. Would it be fair to say that, I don't recall. I

1 initial checkpoint, correct?

2 A. You had no choice but to go through that, the
3 Strike Force was right there, and traffic was
4 backed up from the expressway, so you had no
5 choice but to be slow going down.

6 Q. Okay.

7 MS. TEFFT: Objection. Can you be clearer in your
8 questions about -- you're saying going through a
9 checkpoint, just being distinct about just
10 driving on through versus going through the
11 actual primary stop.

12 BY MR. SAHASRABUDHE:

13 Q. Right. I guess that's what I'm asking. Is it
14 your testimony that at certain checkpoints, there
15 was -- there were certain drivers who didn't have
16 to stop at all?

17 A. Yes.

18 Q. Okay. And only some drivers were stopped
19 momentarily?

20 A. Black drivers was, yes.

21 Q. Okay. And it's your testimony that if a white
22 person went through a vehicle and traffic safety
23 checkpoint, they were not stopped at all?

1 A. Yes.

2 Q. Okay. And is it your testimony that that
3 happened in every instance you saw a white person
4 go through or approach a checkpoint?

5 A. From what I can recall, yes.

6 Q. Do you recall how often you saw white people go
7 through checkpoints?

8 A. You ask me a question that -- I did not count as
9 many white people, I didn't count them so I don't
10 know.

11 Q. I understand that you don't have a specific
12 number, but was it a regular occurrence that you
13 saw white people going through checkpoints?

14 A. I mean, I can't answer that question for you.
15 Because it still makes me feel like I have to
16 give you a number, and I don't -- I can't. I
17 can't give you that. It was a lot of white
18 people that went through, but I don't know how
19 many.

20 Q. Okay. So it happened on more than one occasion
21 that you saw white people go through checkpoints?

22 A. For the past -- yes. From the time it started to
23 the time it ended, yes.

1 standing outside my home blocking my house while
2 they were going on my property.

3 Q. So these were put in your mailbox the way the
4 other two were?

5 A. They were put in the mailbox.

6 Q. Okay. I'll hand you that, L and M. So I just
7 handed you Defendant's Deposition Exhibit M and
8 L. Do you need a second to look those over? Are
9 you familiar with these documents?

10 A. Yes.

11 Q. Fair to say that these are two tickets you
12 received on the same date, which is March -- it
13 was March of this year, March of 2023?

14 A. Yes.

15 Q. Can you tell me where you received these two
16 tickets?

17 A. I was near -- I was driving down Bailey, I was
18 pulled over just before Delavan.

19 Q. Fair to say that this was not at a vehicle and
20 traffic safety checkpoint when you were pulled
21 over?

22 A. Fair to say.

23 Q. Okay. And so how were you pulled over?

1 A. He chased behind me and pulled me over.

2 Q. The officer who issued the tickets, drove up
3 behind you and put his lights on?

4 A. Yes.

5 Q. And you pulled over?

6 A. Yes.

7 Q. And could you describe what took place after you
8 pulled over?

9 A. He asked me who I was, and I asked what was he
10 pulling me over for, didn't have a clear reason
11 why he was pulling me over, then he started
12 searching for reasons to give me a ticket.

13 Q. When you say searching for reasons to give you a
14 ticket, did he ultimately tell you that your
15 windows were tinted?

16 A. After. That wasn't his original reason for
17 pulling me over, so I don't know what the -- but
18 after he started searching.

19 Q. Okay. So how long after the original --
20 withdrawn. How long after pulling you over did
21 he notify you that your windows were tinted?

22 A. About five, ten minutes.

23 Q. And at this point he wrote you these two tickets?

1 A. Yes.

2 Q. And one of the tickets is for the front
3 windshield being tinted, correct?

4 A. Yes.

5 Q. And the other is for the side windshield being
6 tinted?

7 A. Yes.

8 Q. Were those windows, in fact, tinted?

9 A. Yes.

10 Q. Okay. Have you challenged or disputed these
11 traffic tickets in a court of law?

12 A. Yes.

13 Q. What was the outcome?

14 A. Dismissed.

15 Q. You didn't have to pay any fine or --

16 A. No.

17 Q. -- any penalty of any kind?

18 A. No.

19 Q. Were you arrested on this occasion?

20 A. I get -- is an arrest when they give you the
21 summons to go to court?

22 Q. Well, that's a good question, so I'm going to
23 make a distinction. No. Were you taken away


1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4
5 I, Nichole Winans, a Notary Public in and
6 for the State of New York, County of Erie, DO
7 HEREBY CERTIFY that the testimony of DORETHEA
8 FRANKLIN was taken down by me in a verbatim
9 manner by means of Machine Shorthand, on May 15,
10 2023. That the testimony was then reduced into
11 writing under my direction. That the testimony
12 was taken to be used in the above-entitled
13 action. That the said deponent, before
14 examination, was duly sworn by me to testify to
15 the truth, the whole truth and nothing but the
16 truth, relative to said action.

17 I further CERTIFY that the above-described
18 transcript constitutes a true and accurate and
19 complete transcript of the testimony.

20
21 
22 _____
23 NICHOLE WINANS,
Notary Public.